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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,299	07/22/2003	John Bryan Harvey	HOLO 1144 PUS	7881
41131	7590	02/17/2005	EXAMINER	
KENNETH EARL DARNELL 2010 WEST SEVENTH STREET COFFEYVILLE, KS 67337				TSIDULKO, MARK
		ART UNIT		PAPER NUMBER
		2875		

DATE MAILED: 02/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/625,299	HARVEY, JOHN BRYAN	
	<b>Examiner</b> Mark Tsidulko	<b>Art Unit</b> 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 31 January 2005.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-20,30-52 is/are allowed.
- 6) Claim(s) 1-8 and 21-27 is/are rejected.
- 7) Claim(s) 9,28 and 29 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

The submission of amendment filed on 1/31/05 is acknowledged. At this point claims 10, 30 and 46 have been amended, new claims 47-52 have been canceled and the remaining claims left unchanged. Thus, claims 1-52 are at issue in the instant application.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Barthel (US 4,027,151).

Referring Claim 1 Barthel discloses (Fig.1) a luminaire including a lamp housing [12], a lamp [24] disposed within the housing and a reflector means mounted within the housing, having asymmetric configuration and therefore directing the light in an asymmetric distribution.

Referring Claims 4, 21 Barthel discloses a luminaire including a lamp housing [12], a lamp [24] disposed within the housing and a reflector means mounted within the housing, having asymmetric configuration and therefore directing the light in an asymmetric distribution. The reflector means include (Fig.2) a main reflector [30] and a secondary reflector ([28]+[16]) carried by housing [12] and mounted behind the lamp [24].

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 6, 8, 24, 25, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barthel (US 4,027,151).

Referring to Claims 5, 6, 24, 25 Barthel discloses (col.1, lined 37-40) the fact, as well known in the prior art, that some illuminaires have reflectors having a parabolic and elliptical curves in an attempt to achieve an even light distribution of a planar surface. This will result in less radiation being redirected through the light source.

Referring to Claims 8, 27 since Barthel discloses side reflectors, but does not disclose the finish of the reflective surface, it will of course be understood that a high reflectance finish will increase reflective characteristics of the device and improve an illumination.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the luminaire of Barthel having a main reflector as parabolic and a secondary reflector as elliptical, in order to obtain uniform light distribution.

Claims 2 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barthel (US 4,027,151) in view of Odle et al. (US 4,451,875).

Barthel discloses the instant claimed invention except for refractor.

Odle et al. disclose (Fig. 3) a lighting fixture for illuminating a panel having a refractor [18] positioned on the lamp housing, in combination with a reflector used to obtain high quality illumination (Abstract).

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the luminaire of Barthel having a refractor, as taught by Odle et al. in order to obtain high quality illumination of the panel.

Claims 3 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barthel (US 4,027,151) in view of Henderson et al. (US 4,173,037).

Referring to Claims 3, 23 Barthel discloses the instant claimed invention except for vertical orientation of the lamp in the housing.

Henderson et al. disclose a luminaire provided asymmetric light distribution (col.1, lines 54, 55) and having vertically positioned lamp. This allow to use side reflectors more effectively, because of receiving more light from the source and without of using their surfaces to locate the sockets of the lamp arranged along the main reflector.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the luminaire of Barthel having a vertically positioned lamp, as shown by Henderson et al. in order to increase total reflectivity of the device.

Claims 7 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barthel (US 4,027,151) in view of Kelly (US 4,379,322).

Barthel discloses the instant claimed invention except for a side reflectors.

Kelly discloses (Figs.2 and 5) a luminaire having side reflectors [34] and [36]. Using of these reflectors allow to increase the reflectivity of the device.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the luminaire of Barthel having side reflectors, as taught by Kelly in order to increase the reflectivity of the device.

***Allowable Subject Matter***

Claims 9, 28, 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

Referring to Claims 9, 28 the prior art fails to show a luminaire whrein the lamp is disposed in proximity to the reflective side surface.

Referring to Claim 29 the prior art fails to show a luminaire wherein a vertically oriented lamp is more closely spaced relative to one side of the housing and the light being directed onto the surface of the panel in an asymmetrical distribution.

Claims 10-20, and 30-52 are allowed.

The following is an examiner's statement of reasons for allowance:

Referring to Claim 10, 20, 30, 39 and 47 the prior art fails to show a luminaire wherein a vertically oriented lamp is more closely spaced relative to one side of the housing and the light being directed onto the surface of the panel in an asymmetrical distribution.

Claims 11-19 are allowed as claims depended on claim 10.

Claims 40-45 are allowed as claims depended on claim 39.

Claims 48-52 are allowed as claims depended on claim 47.

Referring to Claim 46 the prior art fails to show a luminaire having a main and a secondary reflectors wherein the secondary reflector is of a lesser length relative to the length of the main reflector.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1-9 and 21-29 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (571)272-2384. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.T.  
February 14, 2005



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